

REMARKS

Favorable reconsideration of this application is respectfully requested. Claims 1 and 21 are amended. Particularly, claim 1 is amended to remove the sulfur compounds "sodium lauryl sulfate" and "lithium lauryl sulfate" from the claim, and claim 21 is amended to recite "adding at least one of sodium lauryl sulfate and lithium lauryl sulfate to the sample" and to include the feature "without adding a nitro compound or nitrite salt." The revision of claim 1 is supported throughout Applicants' disclosure and the revision of claim 21 is supported, for example at Table 1, Example 1-5 on page 17. No new matter has been added. Claims 1, 3, and 6-19 and 21 are pending.

Applicants appreciate the Examiner's courtesy in interviewing this case with Applicants' representative on October 17, 2007. In the interview, claims 1 and 21 as mainly amended herein were discussed with respect to the remaining art rejections. The Examiner and his Supervisor indicated that the proposed amended claims would appear to overcome the art of record. However, no formal agreement was made as to the patentability of the claims, as the Examiners said that further review would be necessary once a response is filed. Applicants respectfully submit the amendment and response herein, and address the remaining issues in this case as follows.

Claims 1, 3, 6-19, and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Komori et al. (US 2002/0025546) in view of Oshiro et al. Applicants respectfully traverse this rejection to the extent it is maintained.

With regard to claim 1, claim 1 includes adding at least one of a sulfur-containing compound from a particular group, or adding a combination of at least one of the sulfur-containing compounds listed in the particular group and at least one nitrogen-containing compound from a particular group. Further, claim 1 has been amended to remove the sulfur containing compounds sodium lauryl sulfate and lithium lauryl sulfate. Komori et al. and Oshiro et al. do not disclose or suggest claim 1. As previously noted, Komori et al. does not disclose or suggest at least the sulfur-containing compounds recited in claim 1 and is deficient. Rather, Komori et al. discusses using both a nitro compound (WST-3) and TritonX-100. Oshiro et al. merely discusses using the sulfur compound sodium lauryl sulfate. Accordingly, Oshiro et al. does not remedy the deficiencies of Komori et al. For at least this reason, claim 1 and its dependents are patentable.

Furthermore, Applicants respectfully do not concede that any combination of Komori et al. and Oshiro et al. is reasonable. Claim 1 also recites adding an oxidative enzyme in the step of forming an oxidizing substance or a reducing substance derived from the analyte to be measured. However, there is no reasonable suggestion or motivation to combine Komori et al. with Oshiro et al. While Komori et al. discusses a method of measuring a substance by use of enzymes, Oshiro et al. is directed to a method of hemoglobin determination which does not involve use of oxidative enzymes. (See for example page 1, first column, lines 6-7.) In fact, the method of Oshiro et al. is based on denaturation (degeneration) of proteins (hemoglobin) by SLS and strong alkali agent (SLS method), and the method of Komori et al. is based on enzyme activity. Such approaches are completely different from each other and a combination of the references is further removed.

With regard to claim 21, claim 21 recites adding at least one of sodium lauryl sulfate and lithium lauryl sulfate to the sample so as to eliminate an influence of the hemoglobin contained in the sample and without adding a nitro compound or nitrite salt. However, Komori et al. and Oshiro et al. do not disclose or suggest claim 21. As noted, Komori et al. is deficient and discusses using both a nitro compound (WST-3) and TritonX-100 and does not disclose using sulfur containing compounds as sodium lauryl sulfate and lithium lauryl sulfate. Oshiro et al. discusses using sodium lauryl sulfate, however, there is no reasonable suggestion or motivation to combine Oshiro et al. with Komori et al. for at least the reasons already discussed above. Moreover, the SLS method of Oshiro et al. is not desired for use with enzymes. In further support of this position, for example, Merabet et al. (which is of record) teaches away any combination of Komori et al. and Oshiro et al. Merabet et al. discloses a method for using the combination of a surfactant and a nitrite salt. (See paragraphs [0009] and [0016] of Merabet et al.) Merabet et al. then discloses the method of Oshiro et al. as an undesired comparative example in its Example 5, which uses sodium lauryl sulfate but does not use a nitrite salt. (See paragraphs [0066 to [0075] and Table 1 of Merabet et al.) As noted, Oshiro et al. does not involve use of enzymes, and Example 5 of Merabet et al. further illustrates that the method of Oshiro et al. is entirely different from Komori et al. Therefore, there is no suggestion or motivation to those of skill in the art to combine

Komori et al. and Oshiro et al. For at least the foregoing, Applicants respectfully submit that claim 21 is patentable.

Favorable reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1, 3, 6-19, and 21 were rejected as being unpatentable over Komori et al. (above) in view of Merabet et al. (US 2002/0025546). Applicants respectfully traverse this rejection to the extent it is maintained.

Claim 1 has been discussed and Komori et al. is deficient in that the reference does not disclose using sulfur containing compounds. Merabet et al. does not further a rejection of claim 1. As noted, Merabet et al. discloses a method for using the combination of a surfactant, such as Triton X-100, and a nitrite salt. Thus, Merabet et al. fails to remedy the deficiencies Komori et al. For at least this reason, claim 1 and its dependents are patentable.

With regard to claim 21, Komori et al. and Merabet et al. do not disclose or suggest the features of claim 21. Claim 21 recites adding at least one of sodium lauryl sulfate and lithium lauryl sulfate to the sample so as to eliminate an influence of the hemoglobin contained in the sample and without adding a nitro compound or nitrite salt. The deficiencies of Komori et al. are well established and Merabet et al. does not provide what is missing from Komori et al. Rather, Merabet et al. discloses a method using Triton X-100 and a nitrite salt, which does not further a rejection of claim 21. For at least these reasons, claim 21 is patentable.

Favorable reconsideration and withdrawal of the rejection are respectfully requested.

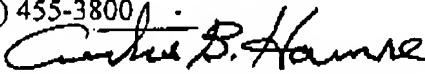
With the above amendments and remarks, Applicants believe that the pending claims are in a condition for allowance. Favorable consideration in the form of a Notice of Allowance is respectfully requested. If any further questions arise, the Examiner is invited to contact Applicants' representative at the number listed below.

Respectfully submitted,



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